



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,275	07/09/2001	Arnd Krusche	450117-03255	7558

20999 7590 02/06/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,275

Applicant(s)

KRUSCHE ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Note reference character "52" in Figure 2.
2. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old and conventional is illustrated. See MPEP § 608.02(g).
3. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

4. Applicant is reminded of the proper content of an abstract of the disclosure.

Art Unit: 2173

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

The abstract is objected to because the sentence "The inventive method for controlling network devices via a MMI provides a fast and comprehensive control directly from a common interface layer of the MMI" states speculative advantages of the invention.

5. The disclosure is objected to because of the following informalities:
 - a. For example, the use of "Preferred embodiments are defined in dependent claims 2 to 9" on line 37-38 of page 5 is improper because the Specification should not refer to the claims. Similar uses of references to claims are found throughout the specification.

Art Unit: 2173

- b. The description of Figure 6 on lines 12-13 of page 10 should be labeled as -- conventional -- or -- prior art -- to distinguish the drawing associated with the figure from the disclosed invention.

Appropriate correction is required.

Claim Objections

6. Claims 10 and 11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 10 and 11 are objected to for being in improper dependent form. The claims are written in the form of a preamble made to depend on another claim. The stated preamble is not given patentable weight as it fails to breathe life, meaning, and vitality into the claims. As such, the claims fail to further limit the subject matter of the claim(s) upon which they depend. See MPEP §§ 608.01(n) and 2111.02.

7. Claims 1-12 are objected to because of the following informalities: “MMI”, used throughout the claims needs to be defined (as a -- Man-Machine Interface --) in the claims prior to using the abbreviation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims fail to clearly set forth the metes and bounds of the claimed invention. For example, the use of "...icons of all devices connected to the network and/or services" on line 4 of claim 1 renders the claim as an improper alternative limitation. Examining the claim further, on lines 7-8 of claim 1, the claim recites "coupling each of said icons with operating functions of the associated device and/or services". The meaning of the claim is unclear since on line 4, the icons are associated with the network and/or services whereas on lines 7-8, the icons are associated with the device and/or services". Therefore it is hard to decipher what the icons are associated with. The use of the improper alternative limitation "and/or" and contradictions similar to that found in claim 1 and pointed out in the example above are used throughout the claims. Therefore, the claims fail to clearly set forth the metes and bounds of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2173

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamner et al. U.S. Patent 5,796,951.

Referring to claim 1, Hamner et al. teach a method for controlling network devices via a MMI (graphical user interface that supports user input in interacting with the machine, or network connected devices, as recited in column 1, lines 53-64 and column 3, lines 12-14), characterized by the steps of generating, and at least partially displaying a hierarchical view of icons (as shown by reference characters “205”, “206”, “207” and “208” in Figure 2A) of all devices connected to the network and/or services corresponding to the devices (column 1, lines 53-57 and column 3, lines 13-21) and coupling each of the icons with operating functions of the associated device and/or service (associated performable tasks of the connected devices) (column 3, lines 4-10 and 57-61), respectively, wherein the devices and/or services are operatable from the hierarchical view (user can initiate, or operate any of the tasks by applying an input on the control panel, as recited in column 3, lines 57-67). This can further be seen from Figures 2A and 2B.

Referring to claim 3, Hamner et al. teach the device and/or service being operatable by drag and drop operations or by cut/copy and paste operations (drag and drop capabilities in maintaining the connected network devices) recited in column 9, lines 24-27.

Referring to claim 4, Hamner et al. teach the device and/or service being operatable via context sensitive menus shown in the hierarchical view after selecting the icon associated with the device and/or service, as recited in column 4, lines 33-39 (when users initiate a task by selecting the bitmaps, a.k.a. icons, associated with the device, options are presented to the user in the form of pull-down menus, for example, which cause the displayed tasks to be performed on the device). This can further be shown in Figure 2A.

Referring to claim 5, Hamner et al. teach sending at least one control signal and/or at least one data stream from one device to at least one other device, as shown in Figures 1 and 8 (means in which the connected devices shown in the figures communicate with each other).

Referring to claim 6, Hamner et al. teach the hierarchical view of icons (shown in Figure 2A) being organized according to predetermined user-selectable rules (user customizable views of the layout of a network), as recited in column 3, lines 4-8.

Referring to claim 7, Hamner et al. teach the hierarchical view of icons organized depending on the kind of devices and/or sub-networks connected to the network (icons shown for devices vary depending on the category of the device, for example, whether the device is a type of PC, printer, server, etc.), as recited in column 4, lines 5-10 and further shown in the left panel of Figure 2A.

Referring to claim 8, Hamner et al. teach the hierarchical view of icons organized depending on the kind of services available in correspondence with the devices (the services, or tasks that can be performed on the device are organized hierarchically, for example, the tasks "Display packet counts" and "show print jobs" are part of the task

Art Unit: 2173

category "Monitor" since both tasks perform some sort of monitoring of the selected devices), as recited in column 4, lines 17-31 and further shown in the right panel of Figure 2A.

Referring to claim 10, Hamner et al. teach a MMI for controlling network devices (graphical user interface for viewing and controlling network devices), adapted to perform the method defined in claim 1, as recited in column 3, lines 12-14.

Referring to claim 11, Hamner et al. teach a computer program product comprising computer program means adapted to execute all of the steps defined in claim 1, when the computer program product is executed on a computer, as recited in column 1, lines 53-64 and column 14, lines 52-67.

Referring to claim 12, Hamner et al. teach the sending of at least one control signal and/or at least one data stream from one device to at least one other device, as shown in Figures 1 and 8 (means in which the connected devices shown in the figures communicate with each other).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2173

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamner et al. U.S. Patent 5,796,951, as applied to claim 1 above, and further in view of Mitchell et al. U.S. Patent 6,628,304.

Referring to claim 2, Hamner et al. teach all of the limitations as applied to claim 1 above. In addition, Hamner et al. also teach recognizing a sub-network being integrated in the network as an icon in the hierarchical view of icons similar to devices and/or services, wherein the icon assigned to the sub-network has a higher order than icons assigned to devices and/or services of the sub-network (networks such as PC contain integrated sub-networks such as "GUEST" or "SUPERVISOR" PC networks), as can be seen from Figures 2A and 2B. However, Hamner et al. fail to teach the use of a bridge to integrate the sub-networks into the network. Mitchell et al. teach a method of providing a user interface for navigating hierarchically displayed networks similar to that of Hamner et al. In addition, Mitchell et al. further teach the representation and display of sub-networks within the network and interconnecting computer systems with a plurality of communication devices such as bridges, as recited in column 1, lines 60-63 and column 7, lines 21-43. It would have been obvious to one of ordinary skill in the art, having the teachings of Hamner et al. and Mitchell et al. before him at the time the invention was made, to modify the method for displaying information relating to a network of Hamner et al. al. to include the integrating of sub-networks via the use of communication devices such as bridges, as taught by Mitchell et al. One would have been motivated to make such a combination in order to have the versatility to connect different kinds of networks, since communication devices such as a bridge allows the interconnection of many different types of networks. For example, PC computers can be

Art Unit: 2173

connected to home appliances such as a VCR and also to an electronic device such as a Walkman.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamner et al. U.S. Patent 5,796,951, as applied to claim 1 above, and further in view of Lea et al. U.S. Patent 6,032,202.

Referring to claim 9, Hamner et al. teach all of the limitations as applied to claim 1 above. However, Hamner et al. fail to teach the use of audio video command (AV/C) protocol for controlling the devices and/or services. Lea et al. teach a method for integrating and operating a plurality of devices in a network similar to that of Hamner et al. In addition, Lea et al. further teach the use of AV/C protocol for controlling the devices and/or services, as recited in column 17, lines 43-46 and column 18, lines 30-34. It would have been obvious to one of ordinary skill in the art, having the teachings of Hamner et al. and Lea et al. before him at the time the invention was made, to modify the method for displaying information relating to a network of Hamner et al. al. to include the use of AV/C protocol for controlling the devices, taught by Lea et al. It would have been advantageous for one to utilize such a combination in order to display and control more types of devices, including appliances and electronics that input and output audio and video commands. The user would have the added ability to monitor their home appliances such as the TV or VCR.

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

Art Unit: 2173

consider these references fully when responding to this action. The documents cited therein teach similar methods for monitoring and displaying information corresponding to a network.

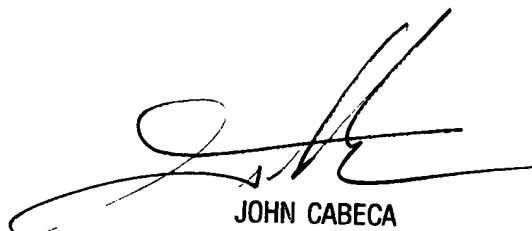
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday-Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

February 4, 2004


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2173